

# **Exhibit 17**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 )  
CF 135 FLAT LLC, CF 135 )  
WEST MEMBERS LLC )  
and THE CHETRIT GROUP, LLC, )  
 ) Case No.  
 ) 15-cv-05345-AJN  
 )  
Interpleader Plaintiffs, )  
 )  
-against- )  
TRIADOU SPV S.A., CITY OF ALMATY, )  
a foreign city, and BTA Bank, ) AMENDED CROSS-  
 ) CLAIMS  
Interpleader Defendants. )  
 )  
 )  
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 )  
CITY OF ALMATY, KAZAKHSTAN )  
and BTA BANK, )  
 )  
Crossclaim Plaintiffs, )  
 )  
 )  
-against- )  
 )  
MUKHTAR ABLYAZOV, )  
VIKTOR KHRAPUNOV, )  
ILYAS KHRAPUNOV, )  
TRIADOU SPV S.A., )  
and FBME BANK LTD., )  
 )  
Crossclaim Defendants. )  
 )  
----- )

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION

of  
MR. NICOLAS BOURG (DAY ONE)  
On Monday, 11th September 2017

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2 MR. KENNEY: Fine.

3 THE VIDEOGRAPHER: We are going off  
4 the record. The time is 12.10 p.m.

5 (Off the record st 12.10 p.m.)

6 (On the record at 1.27 p.m.)

7 THE VIDEOGRAPHER: We are back on  
8 the record. The time is 1.27 p.m.

9 BY MR. SKINNER:

10 Q. Mr. Bourg, welcome back. Let me  
11 direct your attention to the end of 2013. Did  
12 there come a time at the end of 2013 when you had  
13 a meeting with Mr. Ilyas Khrapunov where you  
14 discussed some documents that he had obtained?

15 A. Yes.

16 Q. And where did this meeting take  
17 place?

18 A. In the Geneva offices.

19 Q. The offices where you and  
20 Mr. Khrapunov had offices physically located next  
21 to each other?

22 A. Yes.

23 Q. And who was at this meeting?

24 A. Ilyas, Laurent Foucher and myself.

25 Q. And what happened at this meeting?

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2                   A.         Well, it was end of afternoon  
3 informal meeting. Ilyas showed us a pile of  
4 documents and claimed that this was proof of  
5 hacking, and he maintained that this was hacking  
6 of the -- into the accounts of the French  
7 prosecution authorities and the Kazak -- Kazak  
8 prosecution.

9                   Q.        So this is what Mr. Ilyas Khrapunov  
10      told you?

11 THE WITNESS: Oui.

12 BY MR. SKINNER:

13 Q. And when you say there was a pile  
14 of documents, there was a physical printout of  
15 documents that you saw?

16 A. (Through the Interpreter) Yes.

17 Q. What, if anything, did he say with  
18 respect to who had done the hacking?

19                   A.        He told me about an Israeli society  
20 -- company.

21 Q. Did Mr. Khrapunov explain what his  
22 arrangement was with this Israeli hacking company  
23 that allowed him to obtain these documents?

24                   A.         No, he just said that he received  
25 all these documents every week in printed form,

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2 and that he paid every week the sum of \$200,000  
3 for this service.

4 Q. Did you have any conversation with  
5 him with respect to the size of the amount that he  
6 was paying?

7 A. No.

8 Q. You said that he indicated that he  
9 had documents from French authorities; is that  
10 right?

11 A. Yes, from the French prosecution in  
12 the Ablyazov case -- the prosecutor.

13 Q. Were there documents from any other  
14 government authorities other than the French  
15 authorities?

16 A. Yes, he said that there was some  
17 from the Kazakhstani prosecutor.

18 Q. Anyone else, other than the French  
19 and the Kazakhstani authorities?

20 A. Not as far as -- not as far as  
21 I know, or at least not what he told me.

22 Q. What would happen, if you know, in  
23 connection with Mr. Ablyazov's case with the  
24 French authorities at that point in time; did you  
25 talk to Mr. Khrapunov about this?

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2 A. In what respect?

3 Q. Well, were there on-going  
4 proceedings in court involving Mr. Ablyazov in  
5 France?

6 A. He had just been imprisoned at that  
7 time and Ukraine, Russia and Kazakhstan were all  
8 asking for his extradition.

9 Q. Was he in French custody at the  
10 time you had this conversation with Mr. Ilyas  
11 Khrapunov about the Israeli hacking?

12 A. Was he in custody?

13 Q. Yes.

14 A. No, he was in prison; he was in  
15 custody, but in prison.

16 Q. What, if anything, did  
17 Mr. Khrapunov say about why he was paying hackers  
18 \$200,000 a week to obtain these documents?

19 MR. HASSID: Objection.

20 A. I think it was all part of their  
21 strategy to, discover the exchanges which were  
22 taking place between prosecutors of various  
23 countries and to find a loophole in it.

24 BY MR. SKINNER:

25 Q. Is that what you think, or is that

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2 what he said?

3 A. I don't recall.

4 MR. HASSID: I objected after the  
5 question: "What, if anything, did Mr. Khrapunov  
6 say..." Yes, I am sorry, I will talk louder.

7 BY MR. SKINNER:

8 Q. Just to make sure I understand,  
9 Mr. Bourg, is it your understanding that the  
10 hacking was part of a strategy to discover what  
11 was taking place between the prosecutors, but you  
12 do not know the basis for that understanding?

13 MR. KENNEY: Objection as to form.

14 A. No, to tell you the truth I cannot  
15 confirm that he said it, I cannot remember, but it  
16 was clear that was what the whole thing was about,  
17 it was about a strategy.

18 MR. SKINNER: We do not have  
19 anything further, thank you.

20 THE VIDEOGRAPHER: The time is  
21 2.35.

22 QUESTIONS BY MR. HASSID.

23 BY MR. HASSID:

24 Q. Thank you very much. Good  
25 afternoon, Mr. Bourg. My name is Alex Hassid and